

EXHIBIT “C”

92ND DISTRICT COURT
CASE SUMMARY
CASE NO. C-0912-15-A

Jenifer Y. Arizpe
VS.
TCSI TransLand, INC, Guadalupe Gonzalez

§
§
§
§

Location: 92nd District Court
Judicial Officer: Singleterry, Luis M.
Filed on: 03/03/2015

CASE INFORMATION

Case Type: **Injury or Damage - Motor Vehicle (OCA)**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number C-0912-15-A
Court 92nd District Court
Date Assigned 03/03/2015
Judicial Officer Singleterry, Luis M.

PARTY INFORMATION

Plaintiff Arizpe, Jenifer Y.

Lead Attorneys
HOPKINS, JOHN W.
Retained
361-885-7500(W)







Defendant Gonzalez, Guadalupe
TCSI TransLand, INC

REYNA, RICARDO R.
Retained
210-979-0100(W)















DATE

EVENTS & ORDERS OF THE COURT

INDEX

06/05/2015	 Jury Demand Party: Defendant TCSI TransLand, INC	
06/05/2015	 Answer Party: Defendant TCSI TransLand, INC <i>ORIGINAL ANSWER</i>	
06/02/2015	 Notice Sent <i>TO: JAN@HOPGRP.COM, JOSH@HOPGRP.COM</i>	
06/02/2015	 Request <i>Request for copy of Order signed by Court on 5-20-15</i>	
05/26/2015	 Service Returned <i>Return of Service on Defendant TCSI Transland, Inc.</i>	
05/21/2015	 Service Issued <i>- TCSI TRANSLAND INC</i>	
05/21/2015	Citation TCSI TransLand, INC Unserved <i>E-SERVED TO: JAN@HOPGRP.COM</i>	

92ND DISTRICT COURT
CASE SUMMARY
CASE NO. C-0912-15-A

05/20/2015	 Order, Signed <i>ORDER FOR SUBSTITUTED SERVICE</i>
05/20/2015	E-Filing Forwarded to Court Queue <i>ORDER FOR SUB. SERVICE</i>
05/20/2015	 Order Filed <i>Order Setting Hearing on Pltf Motion for Substituted Service</i>
05/20/2015	 Request <i>Request for Issuance of New Citation</i>
05/20/2015	 Amended <i>PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION WITH REQUEST FOR DISCLOSURE</i>
05/05/2015	 Order Filed <i>Order for Substituted Service</i>
04/27/2015	 Motion for Substitute Service, Filed
04/22/2015	 Service Issued <i>TO: TCSI TRANSLAND INC</i>
04/22/2015	Citation  TCSI TransLand, INC Served: 05/14/2015 <i>E SERVED TO: JAN@HOPGRP.COM</i>
04/21/2015	 Request <i>Request for citation</i>
03/09/2015	 Service Issued <i>CITATION BY C/M</i>
03/09/2015	Citation By Certified Mail  TCSI TransLand, INC Returned Unserved 03/24/2015
03/09/2015	 Service Issued <i>CITATION -GUADALUPE GONZALEZ</i>
03/09/2015	Citation Gonzalez, Guadalupe Unserved <i>PICKED UP BY: JULIE BAUGUS</i>
03/03/2015	 Request <i>FOR ISSUANCE OF CITATION BY CERT. MAIL.</i>
03/03/2015	 Original Petition (OCA)

92ND DISTRICT COURT
CASE SUMMARY
CASE NO. C-0912-15-A

Plaintiff's Original Petition And Request For Disclosure

DATE	FINANCIAL INFORMATION
	Defendant TCSI TransLand, INC Total Charges 32.00 Total Payments and Credits 32.00 Balance Due as of 6/8/2015 0.00
	Plaintiff Arizpe, Jenifer Y. Total Charges 471.00 Total Payments and Credits 471.00 Balance Due as of 6/8/2015 0.00

CAUSE NO. **C-0912-15-A**

JENIFER Y. ARIZPE, INDIVIDUALLY	§	IN THE DISTRICT COURT
AND AS REPRESENTATION OF THE	§	
ESTATE OF MAXIMILIANO ARIZPE	§	
vs.	§	_____ JUDICIAL DISTRICT
	§	
TCSI TRANSLAND, INC, AND	§	
GUADALUPE GONZALEZ	§	HIDALGO COUNTY
	§	
	§	

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Jenifer Y. Arizpe, Individually and as Representative of the Estate of Maximiliano Arizpe and files this Original Petition complaining of TCSI Transland, Inc. and Guadalupe Gonzalez and in support of same would show the Court as follows:

I.

DISCOVERY CONTROL PLAN

Plaintiff intends to conduct this case under a Level III Discovery Control Plan and request that the Court enter a Docket Control Order.

II.

VENUE AND JURISDICTION

Venue is proper in Hidalgo County, Texas, pursuant to CPRC Section 15.002(a)(2), in that Defendant Guadalupe Gonzalez resides in Hidalgo County, Texas. TCSI Transland, INC. is an interstate common carrier of goods, which operates its vehicles on a continuous and systematic basis on the highways of the State of Texas and on a national basis under USDOT number 614326. Defendant's continuous and systematic contacts with the State of Texas, subject it to Personal Jurisdiction and service of process pursuant to the Texas Long Arm Statute.

C-0912-15-A

III.

THE PARTIES.

Plaintiff Jenifer Y. Arizpe, Individually, is the widow of Maximiliano Arizpe and resides in Hidalgo County, Texas. Maximiliano Arizpe died intestate and no estate is necessary and none is pending. Accordingly, Jenifer Y. Arizpe brings this suit as Representative of the Estate of Maximiliano Arizpe.

Defendant, TCSI Transland, INC., is a foreign corporation that can be served with process by certified mail by serving its registered agent for service, Glendon R. Walker, 815 Sparks Ave, Springfield, MO 65802.

Defendant Guadalupe Gonzalez is an individual residing in Edinburg, Hidalgo County, Texas, and can be served with process by serving her at her place of residence at 8328 Mose Drive, Edinburg, TX 78542.

IV.

FACTS

On or June 7, 2013 Plaintiff's decedent, Maximiliano Arizpe, was operating a 2000 Mercury Marquis, Texas license plate CZ1Y34, in a safe and prudent manner travelling west on IH 80 in Jasper County, Iowa. At that same time, Tina Ordway had negligently parked her tractor/trailer, owned and operated by Defendant TCSI Transland, Inc. such that it was partially blocking the inside lane of IH 80 westbound. The truck had broken down because of the failure of an airbrake line that had been negligently repaired, maintained, and or inspected.

At approximately mile maker 156, the Mercury driven by the Plaintiff's decedent struck the illegally parked tractor/trailer killing Maximiliano Arizpe. Each of the aforementioned acts and/or omissions constituted negligence and each was a proximate cause of the ensuing collision and resulting injuries and damages sustained by Plaintiff.

C-0912-15-A**V.**

RESPONDEAT SUPERIOR/AGENCY
NEGLIGENT HIRING, TRAINING AND SUPERVISION

Tina Ordway's conduct was within the course and scope of her employment with Defendant TCSI Transland, Inc., thus the doctrine of *respondeat superior* applies so as to impose liability against Defendant TCSI Transland, Inc. Tina Ordway, was operating her vehicle with the express and/or implied consent of the owner/lessor of such vehicle, and/or Tina Ordway, was an agent of TCSI Transland, Inc. at the time of the collision. Further, Defendant, TCSI Transland, Inc. negligently hired, trained, supervised, and retained Tina Ordway, as a commercial truck driver, said negligence being a proximate and/or producing cause of Plaintiff's injuries and damages. Further Defendant was negligent in the inspection, repair, and maintenance of the tractor/trailer, including but not limit to its braking system. Each of these acts or omissions, singularly or in combination with others, constituted negligence and negligence per se, which proximately caused the occurrence made the basis of this action and Plaintiff's injuries and damages.

Further, Tina Ordway was negligent by at least failing to park her tractor trailer on the right shoulder of the roadway and/or where it would not block a moving lane of traffic, failing to warn motorists that her tractor/trailer was parked blocking the roadway, failing to adequately inspect, repair, and maintain the airbrake system of the truck, failing to head warnings that the airbrake system was losing pressure, and/or driving her tractor trailer over debris in the roadway so as to cause damage to the airbrake system.

Each of these acts and/or omissions listed above constitutes negligence and each was a proximate cause of the ensuing collision and resulting damages and injuries sustained by Plaintiff.

VI.

CAUSE OF ACTION AGAINST GUADALUPE GONZALEZ

C-0912-15-A

NEGLIGENCE

Defendant, Gonzalez was negligent in the repair, maintain, and inspection of the 2000 Mercury Marquis vehicle including but not limit to the braking system of the vehicle which failure was negligence and a proximate cause of the incident in question and the injuries to and damages suffered by the Plaintiff.

VII.

DAMAGES

WRONGFUL DEATH

Nearly all of the elements of damages for personal are unliquidated and, therefore, not subject to precise computation. Plaintiff seeks to recover damages in amounts that the jury finds the evidence supports and that the jury finds to be appropriate under all of the circumstances.

As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff Individually, has incurred the following damages:

1. Metal anguish in the past;
2. Mental anguish in the future;
3. Loss of earnings in the future;
4. Loss of consortium in the past, including damages to the family relationship, loss of care, comfort, solace, companionship, protection, services, and / or physical relations;
5. Loss of consortium in the future including damages to the family relationship, loss of care, comfort, solace, companionship, protection, services, and / or physical relations;
6. Loss of household services in the past; and
7. Loss of household services in the future

C-0912-15-A

SURVIVAL DAMAGES

As a result of the incident in question, Maximiliano Arizpe, sustained mental anguish and physical pain prior to his death. His estate is entitled to recover for his mental anguish, physical pain, and necessary funeral bills and expenses, for which recovery is sought herein in an amount far in excess of the minimal jurisdictional limits of this Court.

All of these damages are sought under the applicable Texas Wrongful Death Act and Survival Act in an amount far in excess of the minimal jurisdictional limits of this Court and of the minimum \$75,000.00 jurisdictional limits of the Federal Courts.

VIII.

REQUEST FOR DISCLOSURE

Pursuant to Rule 194, Texas Rules of Civil Procedure, Defendants, TCSI Transland, Inc. and Guadalupe Gonzalez are requested to disclose, within fifty (50) days of service hereof, the information and material described in each section of Rule 194.2 of the Texas Rules of Civil Procedure.

IX.

PRAYER

Plaintiff prays for a jury trial and tenders the appropriate fee.

WHEREFORE, premises considered, Plaintiff prays for a final hearing herein and judgment against the Defendants, jointly and/or severally, for her damages as alleged, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees is being sought, costs of court, and for such other and further relief to which he may be entitled.

Respectfully submitted,

Electronically Filed
3/3/2015 11:19:13 AM
Hidalgo County District Clerks
Reviewed By: Priscilla Rivas

C-0912-15-A

/s/ Josh W. Hopkins
Josh W. Hopkins
State Bar No. 00787714
HOPKINS LAW GROUP, PLLC
Frost Bank Plaza
802 N. Carancahua, Ste. 2100
Corpus Christi, Texas 78401
Tel. (361)884-5400
Fax. (361)884-5401
Josh@hopgrp.com
Attorneys for Plaintiff

Gregory Herrman
State Bar No. 09540500
HERRMAN & HERRMAN, P.L.L.C.
The Herrman Building
1201 3rd St.
Corpus Christi, Texas 78404
Tel. (361) 882-4357
Fax. (361) 883-7957
Attorneys for Plaintiff

TRCP 106
Motion For Substituted Service

Electronically Filed
4/27/2015 12:16:10 PM
Hidalgo County District Clerks
Cause Number 0972-15-0000
Reviewed By: Monica Valdez

92nd District Court Of

Hidalgo County Texas

PLAINTIFF

JENIFER Y ARIZPE, INDIVIDUALLY AND
AS REPRESENTATION OF THE ESTATE OF MAXIMILIANO ARIZPE

DEFENDANT

TCSI TRANSLAND INC AND GUADALUPE GONZALEZ

Comes Now Plaintiff in the above numbered and entitled cause and would show that the:

Citation and Plaintiffs Original Petition and Request For Disclosure

has not been delivered because the Process Server has been unable to locate the

Defendant GUADALUPE GONZALEZ

at subjects place of, Abode located at , 8328 Muse drive, Edinburg, TX 78542

which was established personally by the Process Servers efforts as set forth in the attached affidavit and made a part of this motion for all purposes. Attempts to serve have been unsuccessful in accordance with TRCP 106 (a)(1) or (a)(2), and that the Substitute Service requested will be reasonably effective to give notice of this suit.

Wherefore, movant prays that service of process be authorized by, delivering a true copy of the documents listed above to anyone 16 years of age or older or by attaching securely to the front entry way door or entry gate if the property is protected by a fence, or to the Security Guard if the gate is staffed at the location specified in the attached affidavit, which movant believes will be reasonably effective to give notice of this suit.

Josh W. Hopkins
Hopkins Law Group
802 N. Carancahua Suite 2100
Corpus Christi, TX 78401

Phone: (361) 884-5400

Bar Number: 00787714



ALN15002880

Electronically Filed
4/27/2015 12:16:10 PM
Hidalgo County District Clerks
Reviewed By: Monica Valdez

Affidavit in Support of Motion for Substitute Service

State of Texas

County of Hidalgo

District Court

Case Number: C-0912-15-A

Plaintiff:

**JENIFER Y ARIZPE, INDIVIDUALLY AND
AS REPRESENTATION OF THE ESTATE OF MAXIMILIANO ARIZPE**



Jenifer Arizpe

vs.

Defendant:

TCSI TRANSLAND INC AND GUADALUPE GONZALEZ

For:

Josh W. Hopkins
Hopkins Law Group
802 N. Carancahua Suite 2100
Corpus Christi, TX 78401

Received by Allen Civil Process on the 10th day of March, 2015 at 3:02 pm to be served on **Guadalupe Gonzalez, 8328 Mose Drive, Edinburg, Hidalgo County, TX 78542.**

I, Sharon Pennington, being duly sworn, depose and say that on the 8th day of April, 2015 at 8:56 am, I:

deemed it impractical to personally deliver the . Citation and Plaintiffs Original Petition and Request For Disclosure to the named defendant **Guadalupe Gonzalez** in the above numbered and styled cause. Attempts to make personal delivery to the defendant at the address located at, **8328 Mose Drive, Edinburg, Hidalgo County, TX 78542**, which is the subjects usual place of Abode or other place where the subject can be found, which was established in efforts to locate the subject. **Guadalupe Gonzalez**, will be given reasonable effective notice of these proceedings by delivering to anyone over the age of sixteen (16) or by attaching the above listed documents to the front entrance way of the property (door/gate/mail box) at the address of **8328 Mose Drive, Edinburg, Hidalgo County, TX 78542**.

Additional Information pertaining to this Service:

3/12/2015 11:55 pm Attempted service at 8328 Mose Drive, Edinburg, TX 78542, map please. Street doesn't exist.
3/24/2015 1:46 pm Attempted service at 8328 Muse Drive, Edinburg, TX 78542, there is a car towards the back of the yard that has a car cover on it so I can't see plates. No other cars. No response at the door. Window is open, called out as well. Left delivery notice on door.
3/28/2015 4:26 pm Attempted service at 8328 Muse Drive, Edinburg, TX 78542, BL5F754. No response at door. Left delivery notice. First house to right is vacant. Second house is fenced. House across is vacant. Please run plates.
3/29/2015 3:10 pm Attempted service at 8328 Muse Drive, Edinburg, TX 78542, subject called and verified the address. +1 (956) 330-3472
3/31/2015 10:31 am Attempted service at 8328 Muse Drive, Edinburg, TX 78542, no working cars present. No response at the door. Called subject and got no response.
4/4/2015 3:11 pm Attempted service at 8328 Muse Drive, Edinburg, TX 78542, No vehicles present. No response at door. Left delivery notice. Left a voice mail on subjects phone
4/6/2015 7:44 am Attempted service at 8328 Muse Drive, Edinburg, TX 78542, no cars present. No response at the door. Called subject and it just rang - no response
4/7/2015 7:15 pm Attempted service at 8328 Muse Drive, Edinburg, TX 78542, no cars present. No response at the door.

Description of Person Served: Age: , Sex: , Race/Skin Color: , Height: , Weight: , Hair: , Glasses:



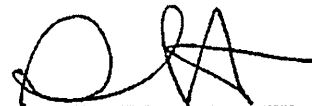
Electronically Filed
4/27/2015 12:16:10 PM
Hidalgo County District Clerks
Reviewed By: Monica Valdez

Affidavit in Support of Motion for Substitute Service For C-0912-15-A

I am over eighteen, not a party to nor interested in the outcome of the above numbered suit and that I am certified to serve civil process. I have personal knowledge of the facts set forth in the foregoing affidavit and declare that the statements therein contained are true and correct. I am familiar with the Rules of Civil Procedure. I have never been convicted of a Felony or Misdemeanor involving Moral Turpitude.

Subscribed and Sworn to before me on
the 8 day of April 2015
by the affiant who is personally known to me

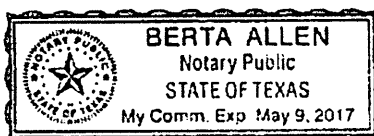
in QUECES County
Berta Allen
NOTARY PUBLIC



Sharon Pennington
SCH-7868 Exp: 11-30-2016

Allen Civil Process
400 Mann Street Suite 902
P.O. Box 181293 (78480)
Corpus Christi, TX 78401
(361) 884-1657

Our Job Serial Number: ALN-2015002880
Ref: Jenifer Arizpe



Electronically Filed
5/5/2015 2:42:56 PM
Hidalgo County District Clerks
Reviewed By: Monica Valdez
Cause Number: C-0912-15-A

TRCP 106
Order For Substituted Service

92nd District Court Of

Hidalgo County Texas

PLAINTIFF

JENIFER Y ARIZPE, INDIVIDUALLY AND
AS REPRESENTATION OF THE ESTATE OF MAXIMILIANO ARIZPE

DEFENDANT

TCSI TRANSLAND INC AND GUADALUPE GONZALEZ

On the Motion presented and the supporting affidavit attached from the Process Server stating the
Defendant GUADALUPE GONZALEZ

subjects usual place of, Abode Located At 8328 Muse drive, Edinburg, TX 78542

can be found and stating specifically the facts showing that service has been attempted under T.R.C.P. 106 (b) and
service at the address listed above will be reasonably effective to give notice of this suit by delivering a true copy of
the documents:

Citation and Plaintiffs Original Petition and Request For Disclosure

by delivering to anyone over 16 years of age or by attaching a true copy of the citation and petition securely to the
front door or entry way. If the property is protected by a fence, by attaching to the entry gate or to the Security
Guard if the gate is staffed at the address listed above, which will be reasonably effective to give notice of this suit.

It is further ordered that the return of the Process Server be endorsed on or attached to the citation, stating when
and how the citation was delivered, and be signed by the Process Server, also the Process Server is to make due
return in accordance with the Texas Rules of Civil Procedure. That any future service on this Defendant in this
cause may be accomplished in the same manner.

Josh W. Hopkins
Hopkins Law Group
802 N. Carancahua Suite 2100
Corpus Christi, TX 78401

Phone: (361) 884-5400
Bar Number: 00787714

SIGNED this 20 day of May, 2015

JUDGE PRESIDING



ALN15002880

Electronically Filed
5/5/2015 2:42:56 PM
Hidalgo County District Clerks
Reviewed By: Monica Valdez
Cause Number: C-0912-15-A

TRCP 106
Order For Substituted Service

92nd District Court Of

Hidalgo County Texas

PLAINTIFF

**JENIFER Y ARIZPE, INDIVIDUALLY AND
AS REPRESENTATION OF THE ESTATE OF MAXIMILIANO ARIZPE**

DEFENDANT

TCSI TRANSLAND INC AND GUADALUPE GONZALEZ

On the Motion presented and the supporting affidavit attached from the Process Server stating the
Defendant GUADALUPE GONZALEZ

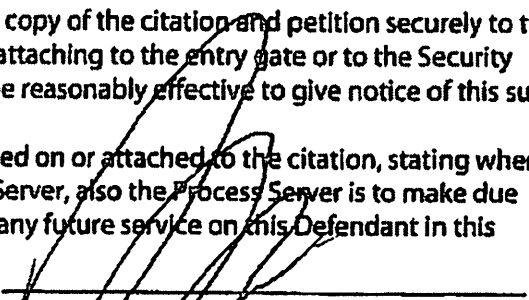
subjects usual place of, Abode Located At 8328 Muse drive, Edinburg, TX 78542

can be found and stating specifically the facts showing that service has been attempted under T.R.C.P. 106 (b) and service at the address listed above will be reasonably effective to give notice of this suit by delivering a true copy of the documents:

Citation and Plaintiffs Original Petition and Request For Disclosure

by delivering to anyone over 16 years of age or by attaching a true copy of the citation and petition securely to the front door or entry way. If the property is protected by a fence, by attaching to the entry gate or to the Security Guard if the gate is staffed at the address listed above, which will be reasonably effective to give notice of this suit.

It is further ordered that the return of the Process Server be endorsed on or attached to the citation, stating when and how the citation was delivered, and be signed by the Process Server, also the Process Server is to make due return in accordance with the Texas Rules of Civil Procedure. That any future service on this Defendant in this cause may be accomplished in the same manner.


Josh W. Hopkins
Hopkins Law Group
802 N. Carancahua Suite 2100
Corpus Christi, TX 78401

Phone: (361) 884-5400
Bar Number: 00787714

SIGNED this _____ day of _____, 20____

JUDGE PRESIDING



ALN15002880

CAUSE NO. C-0912-15-A

JENIFER Y. ARIZPE, INDIVIDUALLY	§	IN THE DISTRICT COURT
AND AS REPRESENTATION OF THE	§	
ESTATE OF MAXIMILIANO ARIZPE	§	
vs.	§	92 nd JUDICIAL DISTRICT
	§	
TCSI TRANSLAND, INC, AND	§	
GUADALUPE GONZALEZ	§	HIDALGO COUNTY, TEXAS

**PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION
AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Jenifer Y. Arizpe, Individually and as Representative of the Estate of Maximiliano Arizpe and files this Original Petition complaining of TCSI Transland, Inc. and Guadalupe Gonzalez and in support of same would show the Court as follows:

I.

DISCOVERY CONTROL PLAN

Plaintiff intends to conduct this case under a Level III Discovery Control Plan and request that the Court enter a Docket Control Order.

II.

VENUE AND JURISDICTION

Venue is proper in Hidalgo County, Texas, pursuant to CPRC Section 15.002(a)(2), in that Defendant Guadalupe Gonzalez resides in Hidalgo County, Texas. TCSI Transland, INC. is an interstate common carrier of goods, which operates its vehicles on a continuous and systematic basis on the highways of the State of Texas and on a national basis under USDOT number 614326. Defendant's continuous and systematic contacts with the State of Texas, subject it to Personal Jurisdiction and service of process pursuant to the Texas Long Arm Statute.

III.

THE PARTIES.

Plaintiff Jenifer Y. Arizpe, Individually, is the widow of Maximiliano Arizpe and resides in Hidalgo County, Texas. Maximiliano Arizpe died intestate and no estate is necessary and none is pending. Accordingly, Jenifer Y. Arizpe brings this suit as Representative of the Estate of Maximiliano Arizpe.

Defendant, TCSI Transland, Inc., is a foreign corporation, doing business, engaging in business and transacting substantial business in Hidalgo County, Texas, and having no registered place of business or designated agent for service of process in Texas, may be served pursuant to the Texas Long-Arm Statute, Texas Civil Practice & Remedies Code §17.041-.045, through Service of Process, Secretary of State of State of Texas, P. O. Box 12079, Austin, Texas 78711-2079. The Secretary of State may serve Defendant, TCSI Transland, Inc. at its home address located at 1601 West Old Rt. 66, Stafford, Missouri, 65757.

Defendant Guadalupe Gonzalez is an individual residing in Edinburg, Hidalgo County, Texas, and can be served with process by serving her at her place of residence at 8328 Mose Drive, Edinburg, TX 78542.

IV.

FACTS

On or June 7, 2013 Plaintiff's decedent, Maximiliano Arizpe, was operating a 2000 Mercury Marquis, Texas license plate CZ1Y34, in a safe and prudent manner travelling west on IH 80 in Jasper County, Iowa. At that same time, Tina Ordway had negligently parked her tractor/trailer, owned and operated by Defendant TCSI Transland, Inc. such that it was partially blocking the inside lane of IH 80 westbound. The truck had broken down because

of the failure of an airbrake line that had been negligently repaired, maintained, and or inspected.

At approximately mile marker 156, the Mercury driven by the Plaintiff's decedent struck the illegally parked tractor/trailer killing Maximiliano Arizpe. Each of the aforementioned acts and/or omissions constituted negligence and each was a proximate cause of the ensuing collision and resulting injuries and damages sustained by Plaintiff.

V.

RESPONDEAT SUPERIOR/AGENCY
NEGLIGENT HIRING, TRAINING AND SUPERVISION

Tina Ordway's conduct was within the course and scope of her employment with Defendant TCSI Transland, Inc., thus the doctrine of *respondeat superior* applies so as to impose liability against Defendant TCSI Transland, Inc. Tina Ordway, was operating her vehicle with the express and/or implied consent of the owner/lessor of such vehicle, and/or Tina Ordway, was an agent of TCSI Transland, Inc. at the time of the collision. Further, Defendant, TCSI Transland, Inc. negligently hired, trained, supervised, and retained Tina Ordway, as a commercial truck driver, said negligence being a proximate and/or producing cause of Plaintiff's injuries and damages. Further Defendant was negligent in the inspection, repair, and maintenance of the tractor/trailer, including but not limit to its braking system. Each of these acts or omissions, singularly or in combination with others, constituted negligence and negligence per se, which proximately caused the occurrence made the basis of this action and Plaintiff's injuries and damages.

Further, Tina Ordway was negligent by at least failing to park her tractor trailer on the right shoulder of the roadway and/or where it would not block a moving lane of traffic, failing to warn motorists that her tractor/trailer was parked blocking the roadway, failing

to adequately inspect, repair, and maintain the airbrake system of the truck, failing to heed warnings that the airbrake system was losing pressure, and/or driving her tractor trailer over debris in the roadway so as to cause damage to the airbrake system.

Each of these acts and/or omissions listed above constitutes negligence and each was a proximate cause of the ensuing collision and resulting damages and injuries sustained by Plaintiff.

VI.

CAUSE OF ACTION AGAINST GUADALUPE GONZALEZ

NEGLIGENCE

Defendant, Gonzalez was negligent in the repair, maintain, and inspection of the 2000 Mercury Marquis vehicle including but not limit to the braking system of the vehicle which failure was negligence and a proximate cause of the incident in question and the injuries to and damages suffered by the Plaintiff.

VII.

DAMAGES

WRONGFUL DEATH

Nearly all of the elements of damages for personal are unliquidated and, therefore, not subject to precise computation. Plaintiff seeks to recover damages in amounts that the jury finds the evidence supports and that the jury finds to be appropriate under all of the circumstances.

As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff Individually, has incurred the following damages:

1. Mental anguish in the past;
2. Mental anguish in the future;

3. Loss of earnings in the future;
4. Loss of consortium in the past, including damages to the family relationship, loss of care, comfort, solace, companionship, protection, services, and / or physical relations;
5. Loss of consortium in the future including damages to the family relationship, loss of care, comfort, solace, companionship, protection, services, and / or physical relations;
6. Loss of household services in the past; and
7. Loss of household services in the future

VIII.

SURVIVAL DAMAGES

As a result of the incident in question, Maximiliano Arizpe, sustained mental anguish and physical pain prior to his death. His estate is entitled to recover for his mental anguish, physical pain, and necessary funeral bills and expenses, for which recovery is sought herein in an amount far in excess of the minimal jurisdictional limits of this Court.

All of these damages are sought under the applicable Texas Wrongful Death Act and Survival Act in an amount far in excess of the minimal jurisdictional limits of this Court and of the minimum \$75,000.00 jurisdictional limits of the Federal Courts.

IX.

REQUEST FOR DISCLOSURE

Pursuant to Rule 194, Texas Rules of Civil Procedure, Defendants, TCSI Transland, Inc. and Guadalupe Gonzalez are requested to disclose, within fifty (50) days of service hereof, the information and material described in each section of Rule 194.2 of the Texas Rules of Civil Procedure.

X.

PRAYER

Plaintiff prays for a jury trial and tenders the appropriate fee.

WHEREFORE, premises considered, Plaintiff prays for a final hearing herein and judgment against the Defendants, jointly and/or severally, for her damages as alleged, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees is being sought, costs of court, and for such other and further relief to which he may be entitled.

Respectfully submitted,

/s/ Josh W. Hopkins

Josh W. Hopkins
State Bar No. 00787714
HOPKINS LAW GROUP, PLLC
Frost Bank Plaza
802 N. Carancahua, Ste. 2100
Corpus Christi, Texas 78401
361.884.5400 – Telephone
361.884.5401 – Facsimile
josh@hopgrp.com
Attorneys for Plaintiff

Gregory Herrman
State Bar No. 09540500
HERRMAN & HERRMAN, P.L.L.C.
The Herrman Building
1201 3rd St.
Corpus Christi, Texas 78404
361.882.4357 – Telephone
361.883.7957 – Facsimile
Attorneys for Plaintiff

Electronically Filed
5/20/2015 3:10:41 PM
Hidalgo County District Clerks
Reviewed By: Monica Valdez

CAUSE NO. C-0912-15-A

JENIFER Y. ARIZPE, INDIVIDUALLY
AND AS REPRESENTATION OF THE
ESTATE OF MAXIMILIANO ARIZPE
vs.

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IN THE DISTRICT COURT

92nd JUDICIAL DISTRICT

TCSI TRANSLAND, INC, AND
GUADALUPE GONZALEZ

HIDALGO COUNTY, TEXAS

**ORDER SETTING HEARING ON
PLAINTIFF'S MOTION FOR SUBSTITUTED SERVICE**

IT IS THEREFORE ORDERED that Plaintiff's Motion for Substituted Service is set for
Hearing on _____, 2015 at _____ o'clock __.m. in the 92nd Judicial District
Court of Hidalgo County, Texas.

SIGNED on the _____ day of _____, 2015.

JUDGE PRESIDING

josh@hopgrp.com
Josh W. Hopkins
HOPKINS LAW GROUP
Attorneys for Plaintiff

Electronically Filed
5/26/2015 1:15:57 PM
Hidalgo County District Clerks
Reviewed By: Alyssa Alvarez

C-0912-15-A
92ND DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION

STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

TCSI TransLand, INC
~~**Glendon R. Walker**~~
815 Sparks Ave.
Springfield, MO 65802

You are hereby commanded to appear by filing a written answer to the **PLAINTIFFS ORIGINAL PETITION AND REQUEST FOR DISCLOSURE** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Luis M. Singleterry, 92nd District Court of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.**

Said petition was filed on the on this the 3rd day of March, 2015 and a copy of same accompanies this citation. The file number and style of said suit being **C-0912-15-A, JENIFER Y. ARIZPE VS. TCSI TRANSLAND, INC, GUADALUPE GONZALEZ**

Said Petition was filed in said court by **JOHN W. HOPKINS, 802 N. CARANCAJUA, STE. 2100, CORPUS CHRISTI, TX 78401**

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 22nd day of April, 2015.

LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS



ALYSSA ALVAREZ, DEPUTY CLERK

Electronically Filed
5/26/2015 1:15:57 PM
Hidalgo County District Clerks
Reviewed By: Alyssa Alvarez

C-0912-15-A
OFFICER'S RETURN

Came to hand on 16 of MAY, 2015 at 10:00 o'clock A.m. and executed in GREENE County, Missouri by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the CITATION/PETITION (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
LAURA GATES DIRECTOR HR	05/14/15	1115	

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
miles\$ _____

DEPUTY

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is JAMES BEASLEY, my date of birth is 01/20/72 and the address is 1111 N. BOONVILLE AVE, SPRINGFIELD, MO 65802
I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in GREENE County, State of Missouri on the 14 day of MAY, 2015.

James A. Beasley
Declarant"

If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number

CAUSE NO. C-0912-15-A

**JENIFER Y. ARIZPE, INDIVIDUALLY
AND AS REPRESENTATIVE OF THE
ESTATE OF MAXIMILIANO ARIZPE**

Plaintiff,

vs.

**TCSI TRANSLAND, INC. and
GUADALUPE GONZALEZ**

Defendants.

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**IN THE DISTRICT COURT**

## 92nd JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

**DEFENDANT TCSI-TRANSLAND, INC.'S**  
**ORIGINAL ANSWER**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES TCSI-TRANSLAND, INC. (incorrectly sued as TCSI TRANSLAND, INC.), Defendant in the above-entitled and numbered cause, and files this ORIGINAL ANSWER replying to PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION and for same says:**

## GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant **TCSI-TRANSLAND, INC.** enters a general denial and demands that Plaintiff prove her allegations by a preponderance of the evidence.

**Defendant TCSI-TRANSLAND, INC. specifically denies that venue is proper in Hidalgo County, Texas**

## PRAYER

WHEREFORE, Defendant **TCSI-TRANSLAND, INC.** prays that Plaintiff recover nothing from it by way of this suit; that Defendant **TCSI-TRANSLAND, INC.** recover costs of court, and for such other and further relief, both at law and in equity, to which this Defendant may be justly entitled.

Respectfully submitted,

BROCK PERSON GUERRA REYNA, P.C.  
17339 Redland Road  
San Antonio, Texas 78247-2304  
(210) 979-0100  
(210) 979-7810 (FAX)

BY: 

RICARDO R. REYNA  
State Bar No. 16794845  
Email: rreyna@bpgrlaw.com  
JASON L. WEST  
State Bar No. 24042597  
Email: jwest@bpgrlaw.com

ATTORNEYS FOR DEFENDANT  
TCSI-TRANSLAND, INC.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing has been served in accordance with the Texas Rules of Civil Procedure on this 5<sup>th</sup> day of June, 2015, to:

Josh W. Hopkins  
Hopkins Law Group, PLLC  
802 N. Carancahua, Suite 2100  
Corpus Christi, Texas 78401

Fax No. 361/884-5401

Gergory Herrman  
Herrman & Herrman, PLLC  
1201 3<sup>rd</sup> St.  
Corpus Christi, Texas 78404

Fax No. 361/883-7957

  
RICARDO R. REYNA  
JASON L. WEST

060515 RRR:lea: 3810-051 ANSWER AND JURY DEMAND

## CAUSE NO. C-0912-15-A

JENIFER Y. ARIZPE, INDIVIDUALLY  
AND AS REPRESENTATIVE OF THE  
ESTATE OF MAXIMILIANO ARIZPE

Plaintiff,

vs.

TCSI TRANSLAND, INC. and  
GUADALUPE GONZALEZ

Defendants.

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IN THE DISTRICT COURT

92nd JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

**DEMAND FOR JURY**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES TCSI-TRANSLAND, INC., Defendant in the above-entitled and numbered cause, and makes this DEMAND FOR JURY TRIAL.

Respectfully submitted,

BROCK PERSON GUERRA REYNA, P.C.  
17339 Redland Road  
San Antonio, Texas 78247-2304  
(210) 979-0100  
(210) 979-7810 (FAX)

BY: 

RICARDO R. REYNA  
State Bar No. 16794845  
Email: rreyna@bpgrlaw.com  
JASON L. WEST  
State Bar No. 24042597  
Email: jwest@bpgrlaw.com

ATTORNEYS FOR DEFENDANT  
TCSI-TRANSLAND, INC.

CERTIFICATE OF SERVICE

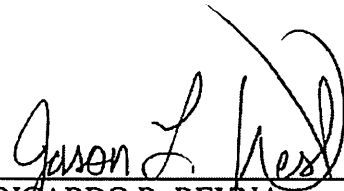
I do hereby certify that a true and correct copy of the foregoing has been served in accordance with the Texas Rules of Civil Procedure on this 5<sup>th</sup> day of June, 2015, to:

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Hopkins Law Group, PLLC  
802 N. Carancahua, Suite 2100  
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Fax No. 361/884-5401

Gergory Herrman  
Herrman & Herrman, PLLC  
1201 3<sup>rd</sup> St.  
Corpus Christi, Texas 78404

Fax No. 361/883-7957

  
\_\_\_\_\_  
RICARDO R. REYNA  
JASON L. WEST